

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

BRIAN ROBERT BLAZER d/b/a  
CARPENTER BEE SOLUTIONS,

Plaintiff,

v.

EBAY INC.,

Defendant.

Civil Action No. 1:15-cv-01059-KOB

**MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF  
DEFENDANT EBAY INC.**

COMES NOW, Defendant, eBay Inc. (“eBay”), and pursuant to Rule 56 of the Federal Rules of Civil Procedure, files this Motion for Summary Judgment against the claims of the Plaintiff in this lawsuit. As grounds in support hereof, eBay avers as follows:

1. There are no disputed issues of material fact and a judgment as a matter of law should be entered in favor of eBay and against each of the Plaintiff on each of the claims and Counts in the Complaint.

2. This Motion is supported by a Memorandum of Law in Support of eBay’s Motion for Summary Judgment of Non-Infringement and eBay’s

Evidentiary Submission containing the Declarations of Amber Leavitt, Larry Smith, and Justin MacLean, and the exhibits thereto, all of which are being filed contemporaneously with this Motion.

*Respectfully submitted,*

/s/ Daniel J. Burnick

Daniel J. Burnick

Attorney for Defendant, eBay Inc.

**OF COUNSEL:**

SIROTE & PERMUTT, P.C.  
2311 Highland Avenue South  
Birmingham, AL 35205  
Tel: (205) 930-5192  
dburnick@sirote.com

/s/ Joshua L. Raskin

Joshua L. Raskin (*pro hac vice*)

Justin A. MacLean (*pro hac vice*)

Attorneys for Defendant, eBay Inc.

**OF COUNSEL:**

GREENBERG TRAURIG, LLP  
200 Park Avenue  
New York, NY 10166  
Tel: (212) 801-9200  
raskinj@gtlaw.com  
macleanj@gtlaw.com

/s/ Ian C. Ballon

Ian C. Ballon (*pro hac vice*)

Attorney for Defendant, eBay Inc.

**OF COUNSEL:**

GREENBERG TRAURIG, LLP  
1900 University Avenue  
5th Floor  
East Palo Alto, CA 94303  
Tel: (650) 328-8500  
ballon@gtlaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on July 21, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Steven M. Brom – [sbrom@bachusbrom.com](mailto:sbrom@bachusbrom.com)  
Bachus & Brom, LLC  
4908 Cahaba River Rd  
Suite 100  
Birmingham, AL 35243-3278

Joseph J. Gleason - [joe@gleason.legal](mailto:joe@gleason.legal)  
Gleason Law LLC  
780 Morosgo Drive #14084  
Atlanta, GA 30324-9998

/s/ Daniel J. Burnick  
\_\_\_\_\_  
OF COUNSEL